

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
))
Plaintiff,))
) Case No. 4:23-cv-00020-RK
v.))
\$656,399.10 IN UNITED STATES))
CURRENCY,))
Defendants.))

**UMB BANK, N.A.'s ANSWER TO PLAINTIFF'S COMPLAINT FOR FORFEITURE IN
REM**

Third-Party Claimant UMB BANK, N.A. (“UMB”), by and through its undersigned counsel of record, answers Plaintiff’s Complaint for Forfeiture in Rem (“Complaint”) as follows:

NATURE OF ACTION

1. Paragraph 1 of the Complaint states a legal conclusion to which no response is required. To the extent a response is required, UMB denies the same.

THE DEFENDANTS IN REM

2. Upon information and belief, UMB admits paragraph 2 of the Complaint.

JURISDICTION AND VENUE

3. UMB admits subject matter jurisdiction is proper in this Court, but lacks knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 3 of the Complaint.

4. UMB admits in rem jurisdiction is proper in this Court, but lacks knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 4 of the Complaint.

5. UMB admits that venue is proper in this District, but lacks knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 5 of the Complaint.

BASIS FOR FORFEITURE

6. UMB lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 6 of the Complaint, and, therefore, denies the same.

STATEMENT OF PROBABLE CAUSE
BUSINESS EMAIL COMPROMISE SCHEME

7. UMB admits paragraph 7 of the Complaint.

8. UMB admits paragraph 8 of the Complaint.

9. UMB admits paragraph 9 of the Complaint.

10. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 10 of the Complaint.

11. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 11 of the Complaint.

12. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 12 of the Complaint.

13. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 13 of the Complaint.

14. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 14 of the Complaint.

15. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 15 of the Complaint.

16. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 16 of the Complaint.

17. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 17 of the Complaint.

18. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 18 of the Complaint.

19. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 19 of the Complaint.

20. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 20 of the Complaint.

21. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 21 of the Complaint.

22. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 22 of the Complaint.

23. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 23 of the Complaint.

24. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 24 of the Complaint.

25. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 25 of the Complaint.

26. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 26 of the Complaint.

27. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 27 of the Complaint.

28. UMB lacks information or knowledge with respect to the referenced investigation into Ms. Ballard, but does has not reason to dispute the recitation of facts in paragraph 28 of the Complaint.

29. UMB admits paragraph 29 of the Complaint.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

30. UMB incorporates by reference its responses to the preceding paragraphs as if set forth fully herein.

31. Upon information and belief, UMB admits paragraph 31 of the Complaint.

SECOND CLAIM FOR RELIEF

32. UMB incorporates by reference its responses to the preceding paragraphs as if set forth fully herein.

33. Upon information and belief, UMB admits paragraph 33 of the Complaint.

WHEREFORE, UMB respectfully requests that all the sums held by Plaintiff be remitted to UMB, UMB be awarded its costs incurred herein, and for all such further and additional relief as this Court deems just.

AFFIRMATIVE DEFENSES

1. UMB incorporates by reference all claims and defenses made to Plaintiff's Complaint that were set forth in UMB's Verified Claim in Response to Complaint for Forfeiture Against Real Property (Doc. 9) and Verified Petition for Remission (Doc. 11).

2. As a result of UMB being the only one to file a claim and UMB being the only "victim" of the above-referenced scheme, UMB is entitled to the entirety of the money held by Plaintiff that is the subject of this in rem action.

3. UMB reserves the right to amend its answer and assert additional affirmative defenses as discovery is on-going.

Respectfully submitted,

SPENCER FANE LLP

By: /s/ Thomas Hiatt

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Attorneys for UMB Bank, n.a.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the forgoing document was served on March 10, 2023, by electronic means through the Court's automated Case Management and Electronic Docketing System for the U. S. District Court for the Western District of Missouri, Western Division, which will transmit a copy to all those entitled to receive notice.

/s/ Thomas Hiatt

Attorney for UMB